

MORNELL UNIVERSITY.

EXERCISES IN HONOR OF FRANCIS DILLES M.D.



Cornell Law School Library

Cornell University Library  
**KF 368.F49C81**

**Exercises in honor of Francis Miles Finch**



3 1924 018 821 813

law.corn



Cornell University  
Library

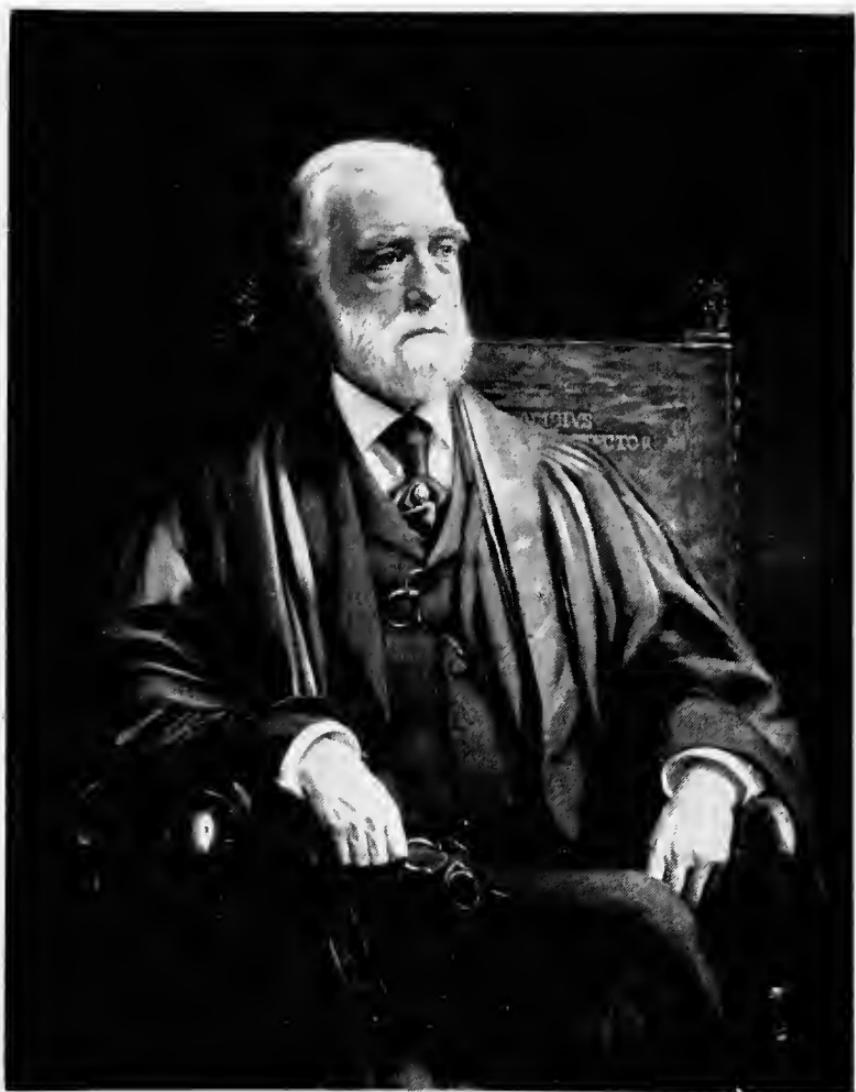
The original of this book is in  
the Cornell University Library.

There are no known copyright restrictions in  
the United States on the use of the text.









From the Painting by J. Colin Forbes.

Francis M. Dierck





CORNELL UNIVERSITY,



---

EXERCISES

IN HONOR OF

FRANCIS MILES FINCH

DEAN OF THE FACULTY OF LAW

UPON THE OCCASION OF HIS  
SEVENTY-FIFTH BIRTHDAY

JUNE 9, 1902

---

ITHACA, NEW YORK

PUBLISHED BY THE UNIVERSITY

1902

KF  
368  
F49  
C81  
C. I.  
Wren  
iann

## INTRODUCTORY

---

On Monday, June 9, 1902, Judge Francis Miles Finch, a former Associate Judge of the New York Court of Appeals, and now Director of the Cornell University College of Law and Dean of its Faculty, reached the age of seventy-five. The University celebrated the anniversary occasion with appropriate ceremonies in Boardman Hall and at the same time exhibited the admirable portrait of Judge Finch painted by Mr. J. Colin Forbes and recently purchased by the Board of Trustees for the library of the College of Law.

The exercises were held in Boardman Hall at five o'clock. The large lecture room had been tastefully decorated with palms and other potted plants and the new portrait hung over the platform at the west end of the room surmounted by a wreath of palm leaves and of laurel in full blossom. A large number of students, professors and townsmen were in attendance.

Shortly after five o'clock Judge Finch escorted by President Schurman, Hon. Samuel D. Halliday,

Chairman of the Executive Committee of the Board of Trustees, and Professor Ernest W. Huffcut, Secretary of the College of Law, entered the room and was greeted with hearty applause, the whole audience rising to receive him.

The exercises were opened with an address in behalf of the Board of Trustees by Mr. Halliday. This was followed by brief remarks from President Schurman and the reading by him of letters from all the present and former members of the New York Court of Appeals who had served with Judge Finch in that tribunal. An address in behalf of the Faculty of Law was then delivered by Professor Huffcut. The exercises concluded with a response by Judge Finch. As he rose to speak the entire audience also rose and greeted him with repeated cheers and waving of handkerchiefs. As the audience dispersed at the conclusion of his address the chimes rang out with the familiar tunes to which some of the well known songs of Judge Finch are set.

## ADDRESS IN BEHALF OF THE TRUSTEES

BY HON. SAMUEL D. HALLIDAY

---

Cornell University has been fortunate in many respects. It was the good fortune of Cornell University that years ago Judge Finch was the legal adviser of its Founder. It was the good fortune of Cornell University that Judge Finch was also its legal adviser during some of its darkest days. It was also the good fortune of Cornell University that Judge Finch, at the very beginning and for years afterwards, was a member of its Board of Trustees and one of its Executive Committee. It is now also the good fortune of Cornell University that Judge Finch, hale and hearty, at the age of seventy-five, is still Dean of its College of Law.

Many persons have done a great deal for Cornell University by endowing it with some of their riches. They are justly called its benefactors. Other persons also have done a great deal for Cornell University by giving it their advice, their counsel and the benefit of their wisdom, and by long and patient attention to the endless details, careful attention to which always contributes so much to the success of any institution of this kind. These also should be called benefactors and in this latter class prominently stands forth Judge Finch.

I shall mention but one example out of many. In 1874 this University was involved in complica-

tions so serious that they seemed almost fatal. At a meeting of the full Board of Trustees, held in June of that year, Judge Finch, then a practicing attorney of Ithaca, presented the difficulties under which the University was laboring with that marvelous clearness which has justly made him famous. He had carefully thought out a plan of action. But that plan involved the necessity of getting the consent of the State of New York; a consent which it was thought the State would never give. He recommended that representatives of the Board should be immediately sent to Albany to try to accomplish that result. His plan was adopted and he, of course, was sent as one of those representatives and as spokesman for them all. It is needless now to go into details, but the mission was successful and a great crisis in the history of the University was successfully passed.

It is not generally known, but it is a fact, that the national grant of lands, out of which has ultimately been obtained the great bulk of Cornell's present endowment, was originally given to a college in the little village of Havana in the adjoining county of Schuyler. It was known as "The People's College" and its promoter or benefactor, its Ezra Cornell, was one Charles Cook of that village. That institution failed to comply with the national grant and that endowment was taken away from it and given to Cornell University. That college soon thereafter disappeared as a "People's College" or as a college of any other name. Its sole and only building then existing is now known as the "Cook Academy."

If Judge Finch's mission to Albany in 1874 had failed, a similar fate might have befallen Cornell University. It is entirely certain in that event that there would have been no College of Law upon this hill. It is entirely probable that there would not have been any Cornell University for any considerable time after that event; and it is entirely possible that if any institution of any kind had existed here to-day, it would have been known simply as the "Cornell Academy." Is not a person who successfully carries through such a mission with such results quite as much of a benefactor as he who nobly gives to the institution a portion of his riches? I will not mention other examples, but if the history of the business management of Cornell University is ever written, as it may some time be, with the sole exception of the name of the Founder, no name will be found interwoven in its earliest records more extensively or more honorably than that of Francis Miles Finch.

I desire to add here one more idea. It is the custom now-a-days among all active practitioners in this State to run through the decisions of the Court of Appeals as they appear and read only those relating to matters in which they are personally interested. That custom did not prevail to the full extent during the fourteen years or more that Judge Finch was a member of the New York Court of Appeals. During that time all active lawyers read clear through all the opinions of Judge Finch whether relating to subjects in which they were particularly interested or not. This was because of the metallic clearness, the apt expression, the beautiful

style and the matchless power of statement which characterized all those opinions. If some enterprising person should collect all the opinions of Judge Finch and publish them in a series of volumes, they would furnish charming, interesting and entertaining reading, not only for every practicing lawyer, but for all persons who are interested in and enjoy good literature. These readers would not only acquire a vast amount of legal information, but they would be benefited by imbibing and becoming imbued with the literary style of that man who, as everybody justly concedes, is one of the greatest, if not the greatest, judicial writer in the English speaking world. But enough of this. My duty here to-day is a simple one.

On behalf of the Board of Trustees of Cornell University I will not present this portrait to anybody. Some six weeks since Cornell University bought this portrait with its own funds and presented it to itself. My duty is only to make public announcement of this selfish fact. It will be placed upon the walls of this building and it will not only reflect the features of the man whom it represents, but its purchase by the University will also to a limited extent reflect the great respect this University has for the present Dean of the College of Law.

## REMARKS, AND READING OF LETTERS OF CONGRATULATION

BY PRESIDENT JACOB GOULD SCHURMAN

---

Of the distinguished services rendered by Judge Finch to the cause of legal science and legal education it is not my part to speak to-day. But his intellectual pursuits have not been exclusively in the domain of law.

Only ten days ago in many parts of this country one of Judge Finch's poems was widely sung, recited and spoken on Memorial Day. Some months earlier in the autumn of last year when I attended the bicentennial at Yale University I found one of his poems forming a principal part of the programme and that the same poem had been read and sung there fifty years before.

I remember having heard that when Judge Finch was a college student he was particularly interested in the study of philosophy and that he took great delight in reading the works of Sir William Hamilton. The philosophical bent of his mind appears I am told in some of his opinions where fundamental questions are involved and has especially asserted itself in the course of lectures he now delivers before our students upon the History and Evolution of the Law. He is known to us not only as a great lawyer

and a great judge but also as a poet and a philosophical jurist.

The College of Law through its Secretary has invited on behalf of the University those judges who had formerly been associated with Judge Finch upon the bench, and whose friendship he deeply prizes, to be present on this occasion; but they have been unable to attend, and I will read the letters received from them which I think you will be interested to hear.

**FROM EX-CHIEF JUDGE ANDREWS.**

SYRACUSE, N. Y., MAY 18, 1902.

I have your favor of the 15th inst., conveying an invitation from the President of the University to participate in the proceedings in honor of Judge Finch. I regret exceedingly that engagements which I cannot postpone prevent my acceptance.

I feel a warm personal friendship for Judge Finch and in common with the bar of the State I appreciate the value of his illustrious services on the bench.

From what I know of his preëminent qualifications as an original investigator in the science of the law, I am confident that his work at Ithaca when it comes to be known beyond the circle of the class room will form a most valuable and permanent contribution to general jurisprudence.

Again sincerely regretting my enforced absence on the day of your contemplated anniversary, I am,

Very truly yours,

**CHARLES ANDREWS.**

**FROM EX-JUDGE EARL.**

HERKIMER, N. Y., MAY 22, 1902.

Your invitation to participate in some ceremonies in honor of my very dear friend, Judge Finch, has come to hand, and

I regret to say that my engagement as referee in a very important matter during the week of the 9th of June will prevent my acceptance. It would give me great pleasure to associate with others in doing honor to one so worthy and so distinguished in law and literature. Tell the Judge after it is all over, that one who is nearing his seventy-eighth birthday considers seventy-five quite youthful.

Very truly yours,

ROBERT EARL.

FROM EX-JUDGE TRACY.

NEW YORK, JUNE 7, 1902.

It would give me great pleasure to accept your courteous invitation to be present at the celebration of Judge Finch's seventy-fifth birthday and I regret that professional engagements will prevent my being present. In the year in which I had the honor to be associated with Judge Finch in the Court of Appeals I came to have a very high esteem for him and great respect for his character and learning. These feelings of esteem and respect have been strengthened by the subsequent years in which he has contributed so much to the jurisprudence of our State. Will you ask Judge Finch to accept through you my very cordial congratulations and good wishes.

Very sincerely yours,

B. F. TRACY.

FROM MR. JUSTICE PECKHAM.

SUPREME COURT OF THE UNITED STATES, }  
WASHINGTON, D. C., JUNE 4, 1902. }

Your invitation has reached me just as I am starting for the North to fulfill another engagement which will prevent my acceptance of yours to be present on the occasion to do honor to Judge Finch. I greatly regret my inability; for too much honor cannot be paid to his sterling merits as a man, a lawyer, a judge, and now last of all as a professor of the law,

which he has expounded from the judgment seat for so many years. I have had the honor and advantage of a personal acquaintance with Judge Finch for many years, but since our close association for a number of years as judges of the New York Court of Appeals my acquaintance broadened into admiration and friendship. The sturdy integrity of the man, the perfect independence of the judge, the kindly disposition of the friend, all come before me as I think of him in what were fatiguing days of similar labor in and out of court, and I linger with special fondness upon those times, when in the intervals of work, we passed from legal subjects to the discussion of any thing and everything of current interest. The views of Judge Finch were those of a highly educated man, of broad mind and charitable inclinations, always holding up the purest and best ways for attaining any definite object. I admire his ability and I love his genial nature.

I shall be with you in spirit, and in honoring him you will honor the University which has the benefit of his services.

Very truly,

R. W. PECKHAM.

FROM JUDGE GRAY.

STATE OF NEW YORK, COURT OF APPEALS, }  
ALBANY, MAY 31, 1902. }

I very much regret to find myself unable to accept the invitation of Cornell University, so courteously extended to me through you, to be present, and to make an address, upon the occasion of the presentation of the portrait of Ex-Judge Finch, Dean of the Law School. In addition to the very grave inconvenience which my absence would cause to my associates upon the bench, particularly, at that time, a personal engagement interferes to prevent my attendance.

My association with Judge Finch for many, years the sincere friendship which resulted, and my admiration for his eminent judicial abilities, would make the duty devolving upon me in complying with the request of the University, a most pleasant one. It would be a grateful task to speak of

his great talents as a jurist, and of those admirable and gentle personal traits which endeared him to all who were privileged with his friendship.

As Judge, his opinions were conspicuous for the conclusiveness and clearness of their reasoning and they are among the most valuable of those which have given repute to the reports of this court. Remarkable for their purity of English and elegance of composition, they lack nothing in force or logic. Their discussion of questions was characterized by a breadth of thought and by a grasp of the arguments for and against which satisfied the bar. His associates in the court found him wise, firm and helpful in consultation, and they found him lovable in the daily intercourse. Nor does his title to the respect and admiration of the public depend, only, upon his possession of remarkable juridical talents. Well stored with the learning to which a catholic literary taste has contributed, intensely human in its interests and sympathies and keen in its perceptions of the pathos, or of the sentiment, in human events, his mind has set no boundaries to its expressions.

His reputation for learning and ability as a judge will live, while the science of the law has its followers; but as imperishable will be the verse, which, as college song, ballad or epic poem, has stirred the hearts of young and old.

That, in the fullness of his years, his mind knows no diminution of its graceful and rich fruitage, is a pleasing thought to his friends, as it must be a cause for congratulation to the University to whose work he has devoted so many years of his life and whose success has been so dear to him. It is most fitting that his calm, strong face should be perpetuated upon canvas and I congratulate the University upon having secured a faithful and satisfactory portraits for its Halls.

I beg you to convey to the President and Faculty of the University the expressions of my regret at being unable to be present and of the profound respect I entertain for them.

I am very truly yours,

JOHN CLINTON GRAY.

FROM JUDGE O'BRIEN.

STATE OF NEW YORK, COURT OF APPEALS, }  
ALBANY, JUNE 4, 1902. }

It would be a great pleasure to me to be able to join with the neighbors and friends of Judge Finch in doing honor to him on his seventy-fifth anniversary. I would like to greet him in his own home, among his own friends and neighbors, an old friend and associate, now full of years and of honors, whose life and character have always commanded my admiration ; but I fear, for reasons which will readily suggest themselves, I will not be able to do that and hence must convey to him in this form my best wishes for his health and happiness for many years to come.

He has passed the allotted years of man according to the Psalmist but in these modern days that saying is regarded as the opinion of the poet rather than the prediction of the prophet and certainly in the case of Judge Finch we may consider it as expressing the exception rather than the general rule, since a kind Providence has vouchsafed to him the full enjoyment of all his physical and mental powers with apparently many years of future usefulness.

On his seventy-fifth birthday Judge Finch and his friends will have the pleasure of looking back upon a life well spent and exceptionally honorable and useful. Perhaps the most enduring monument that he has erected for himself is to be found in his work as a jurist. His opinions in the Court of Appeals constitute a true picture of the man as he was and as he is,—a correct thinker, a sound reasoner, one who loves justice and hates iniquity. Adorned as they are with all the attractions of a clear and graceful literary style they will be read with pleasure and profit by generations yet to come.

One who has spent his early years in the successful practice of an honorable profession, who has adorned the bench of the highest court of the State, who has contributed much to law and literature, who in his leisure hours occasionally courts the muse, cautiously but with singular success, who

dedicates his declining years and his ripe experience to the instruction of youth in the laws of their country, and who is now surrounded by all those delightful accompaniments of old age such as "honor, love, obedience, troops of friends," has achieved a measure of success and happiness that but very few of us can hope to attain.

With my best wishes and kindest regards to Judge Finch and his friends, I am,

Very sincerely yours,

DENIS O'BRIEN.

FROM JUDGE BARTLETT.

COURT OF APPEALS, STATE OF NEW YORK, }  
NEW YORK, JUNE 4, 1902. }

I have your letter of second inst., inviting me to be present at the ceremonies on the ninth inst., in honor of the seventy-fifth birthday of Judge Francis M. Finch.

I regret that my previous engagements are such as to make it impossible for me to appear in person and say something on that most interesting occasion.

I was fortunate enough to sit with Judge Finch for several years in the Court of Appeals.

I entered the court entertaining, in common with the bar of this and other States, a profound respect for his great learning and high character as a judge.

The judicial intimacy of the court, however, revealed to me, at close range, not only the great judge, but those delightful qualities of head and heart, which have resulted in life-long friendship and affectionate regard.

I congratulate the Cornell University College of Law that it had the supreme good fortune, years since, to secure as Dean of its Faculty, Judge Francis M. Finch.

You have him in all the splendid maturity of his powers ; the rich mellow autumn of his years.

Your students are enjoying the latest productions of a pen that in youth wrote some of the best loved songs of old Yale ;

that in midlife gave the country "The Blue and the Gray"; that in later years combined in a rare degree profound learning with a delightful and finished literary style, in opinions that occupy a commanding place in the classics of the law.

I realize this is bringing "coals to Newcastle," so will close by assuring you all that I will be present in spirit on the ninth inst., and shall entertain the hope of soon looking upon "fair Portia's counterfeit," which will pass into your possession at that time.

Yours very sincerely,

EDWARD T. BARTLETT.

TELEGRAM FROM JUDGE HAIGHT

ALBANY, N. Y., JUNE 9, 1902.

Please convey to Judge Finch my congratulations and best wishes for many happy returns of the day.

ALBERT HAIGHT.

# ADDRESS IN BEHALF OF THE FACULTY OF LAW

BY PROFESSOR ERNEST W. HUFFCUT

---

In behalf of the Faculty of Law it is my pleasant mission to add a word of congratulation and good wishes to those already spoken. Since January, 1896, when he returned to us from his official duties, Judge Finch has been closely associated with us in the work of our College of Law, both as its Director and as a regular class room teacher. Our more intimate relations with him, while serving to increase our high estimate of his scholarship and juristic attainments, have especially strengthened the bonds of affection and reverence. His kindness, thoughtfulness, and, may I say, affectionate fatherliness, have won our hearts as his great attainments as a jurist and his eminent services as a judge had before won our profound admiration. Greater than the scholar, the jurist or the teacher, is the man, whose heart is as generously endowed as his mind, and who in the fulness of his age and honors has come modestly and helpfully among us as a friend and fellow worker. He has left the indelible impress of his strong and cultivated intellect upon the jurisprudence of this State and this age; but he has left it also upon the history of this University and of this School of Law.

Thirty-four years ago next October he stood near this spot among the little group of courageous men who then opened wide for the first time the doors of Cornell University. On that occasion he spoke in behalf of the gentle and gracious lady to whose thoughtfulness we owe the chime of bells now hung in our library tower. From the first he had been the friend and counsellor of the Founder and had shared with him his hopes and borne with him his trials. He was closely united by ties of college and fraternity with the first President. He was the friend of the second Founder. From the first conception of the University to this day he has been intimately in touch with its growth and progress—as a trustee from 1865 until his judicial duties led to his retirement in 1882; as a lecturer in the School of Law from its foundation in 1887 and as the Dean of its Faculty since 1892. We have laid here large claims to his time and thought and have always found a ready and generous response.

But even larger claims have been made upon him by the State. For fifteen and a half years—from June 1, 1880, to December 31, 1895—he sat as a member of the court of last resort in the most populous and wealthiest English-speaking commonwealth outside of England herself. Aside from the House of Lords and the Judicial Committee of the Privy Council in England, and the Supreme Court of the United States, no court of last resort administering the common law affects by its decisions so many individuals or such a range and extent of interests as the Court of Appeals of the State of New York. From 1880 to 1895 was a period of ex-

traordinary activity in every sort of industrial enterprise and in every variety of legislative experiment. The court calendar was crowded during these years with cases of the first importance, besides the great multitude of ordinary cases affecting private interests that always find their way to that tribunal. Probably over 8,000 cases were argued before the court during the period that Judge Finch sat upon the bench. While he participated in the decision of most of these, upward of 1,150 were especially assigned to him for the formulation of the opinion. In these cases he wrote over 750 opinions, the remaining 400 cases being decided upon his advice without opinions. These opinions are scattered along the highway of our law from volume 81 to volume 148 of the Reports of our Court of Appeals.

Many of these opinions have already become thoroughly familiar to all students of the law. It is doubtful whether any living judge is so largely represented in the selections of cases reprinted for the use of law schools. Some of the opinions have already taken rank among the "leading cases" of the law, to be hereafter the landmarks from which men shall measure the true course and direction of our jurisprudence. Such a case as the People vs The North River Sugar Refining Company (121 N. Y. 582) in which it is decided that a corporation entering into a trust, even though by the indirect method of the transfer of stock by the stockholders in exchange for trust certificates, has violated the law of its being and incurred the penalty of corporate death, must always remain a classic statement of the true nature of a corporation and the limits of the fiction

of the artificial entity. So also the books will be searched in vain for a clearer or more rational distinction between a mere breach of contract and a tort involving a breach of contract than is to be found in *Rich v. The New York Central & Hudson River Railway* (87 N. Y. 382.) One might also refer to *Badger v. Badger* (88 N. Y. 546) on the evidence of marriage where the decedent had led a double life, or *Will of O'Hara* (95 N. Y. 403) on fraud, undue influence, charitable trusts and perpetuities, or *White v. Rintoul* (108 N. Y. 222) on the Statute of Frauds, or scores of other similar cases in which his extraordinary powers of insight and of expression are exhibited. I merely mention these by way of illustration of the juristic range and value of these incomparable opinions, since this is not the proper occasion for a detailed examination of them. What distinguishes them all is the dramatic marshalling of the facts, the lucidity and logic of the reasoning, the soundness of the legal deductions, and the surpassing excellence of the literary form.

Of the rare literary quality of these opinions I need hardly speak in this presence. All who hear me know the accuracy and felicity of diction, the charm and picturesqueness of illustration, the sinewy strength and mobility of style, that characterize the writings of our illustrious friend. If one were called upon to name three judges who have most perfectly embodied sound law in strong and beautiful English, he might name Sir George Jessel or Lord Bowen or Mr. Justice Bradley, or possibly one or two others, but he certainly must name Francis M. Finch as one of the trio. It is not too much to say that had

Judge Finch not been so scrupulously faithful to his jealous mistress, the law, who exacts as the price of her favors the fullest measure of devotion, he might easily have taken a place in American letters comparable to that occupied by James Russell Lowell. Who that has read the exquisite verses which he has given reluctantly to the world, has not felt the thrill that is the involuntary homage paid to the true poet! Who could read the address delivered upon this hillside thirty-four years ago in presenting in behalf of Jennie McGraw the chime of bells that calls us to our daily task, or the memorial address upon Ezra Cornell, or the anniversary address upon John Marshall, or any one of the too infrequent addresses he has delivered, without recognizing the indefinable but convincing and authentic touch of the perfect master of the art of expression?

All this accumulated learning and experience of more than fifty years at the bar and on the bench, all this exquisite literary power, he has turned in these latter days to the service of our School, and particularly to the preparation of his lectures on the History and Evolution of the Law. When these lectures shall claim, as they surely must some day, a wider audience than these halls can furnish, they are certain to take their place in the foremost rank of legal scholarship and of permanent American literature.

As lawyer, judge and teacher, as scholar, poet and man of letters, he, whom we delight to honor to-day, has occupied a wide field of interests and has adorned and elevated every vocation and every avocation that he has followed. It is our greatest pride

that for the past six years he has belonged peculiarly to us—not having disdained after bearing the highest judicial honors to share with us the daily work of the teacher. In the plenitude of his powers and honors he has come among us, the wise counsellor, the ripe scholar, the eloquent and inspiring teacher, the generous and open minded friend.

And so to-day, dear and venerated friend, we bring you our congratulations that on the completion of your seventy-fifth year you still find yourself in the full possession of all those splendid faculties which you have so long employed in the service of our common mistress, and our sincere good wishes for yet many peaceful and happy returns of this anniversary day, and finally our heartfelt tribute of constant and affectionate regard. May you long be spared to us in health and strength. May we long go about our accustomed tasks in the presence and under the daily benediction of a noble, gracious and inspiring personality.

## RESPONSE

BY JUDGE FRANCIS MILES FINCH

---

I had planned to slip by this anniversary without being detected. Silence about one's age comes early to the woman but arrives at last for the man. I should have kept that silence, but there were too many detectives around and too many records available. And so I must plead guilty to my seventy-five years.

I wish I could honestly plead guilty to the many kindly things that have been said about me. They have made me feel as if I were being carefully wrapped up in tissue paper and tied with red and white ribbons, with here and there a strand of blue, and so prepared to be tenderly laid away on the shelf to scare away the mice and fight the moths.

Not quite yet, if you please; though the inevitable fate is near and growing nearer. But I have things to do which are not yet done and for which I hope a few years more of life and health may be granted me.

Meantime my thanks are due and sincerely given to those who have planned the courtesy of this occasion: to the President who, not content with the burden of the University, is taking on his shoulders the future of the Philippines and bearing both burdens marvelously well; to my friend who shares with him the care of this institution, and when I left the bar jumped promptly into the vacant place and filled it better than it was filled before; to my associate

who was one of the earliest and one of the best products of this College of Law and of whom I shall soon be sure to ask that consideration which he has fairly earned and thoroughly deserves; and to all those other friends in the University, and out of it, who have gathered about me and brightened the colors of the approaching sunset.

To the young and even to those in the middle life three-quarters of a century seems long. On the contrary it is brief—so brief that one needs to utilize every hour for the work set him to do. And yet it has been long enough to breed many marvels. I have seen the lumbering stage coach, taking three days to reach the metropolis, give place to the railway landing us in a few easy hours : I have seen the modest wires which our Founder strung over a few city blocks to turn sneers into belief, spreading their net work over the world and building a roadway under the seas : I have lived through many wars here and elsewhere and felt their alternations of victory and defeat: I have seen the nation barred by the mountains forcing its way through the barrier—flowing to the Pacific and reaching out to the islands of the Orient: and to come nearer home, I have seen this University—born amid storms and struggling for a doubtful life—in one swift generation taking its place well at the front of the institutions of the land.

Through it all I have learned this lesson : that two chief sources of content and happiness are the pleasure of hard work and the blessing of good friends. I have had both in large measure and therefore I know.

Allusion has been made to my judicial life and it is brought back to me by the words of my old associates. It looks to me now like a dream. And yet it was full of hard work that had no end. It absorbed every hour and all thought, but rapidly became a pleasure and ceased to be a task. I had associates who became sincere and warm friends. Four of them are gone: Folger, who was our Chief, Rapallo with a marvelous gift of legal reasoning, Miller, whose patience and industry never failed, and Danforth alert and active who went back to the bar and died in the harness. Those who remain are busy yet and happy only while busy, and well maintaining the high reputation of the court.

The same alliance of work and friends came to me when I left the bench for the professor's chair. Still there was work to do and friends with whom to do it. There came changes in our Faculty, more often than I wished. We had men so good that other institutions made love to them and sometimes led them away—but always there was a Faculty, harmonious, united, ready to help each other and if need be bear each other's burdens.

And so my years have been in the main happy and contented. There has been sorrow; that always comes—but he who loves his work and does it with all his might, who deserves his friends and keeps them, will get the most of happiness out of life.

Fortunately, I am not yet to say farewell though that occasion is coming near. I wish you all many birthdays as pleasant as you have made this one of mine.







KF 368 F49 C81

Author	Cornell University	Vol.
Title	<u>Exercises in Honor of Francis Miles Finch.</u>	Copy
Date	Borrower's Name	

$\hat{m}_1(x)$